United Nations S/PV.7194

Security Council

Sixty-ninth year

Provisional

7194th meeting
Monday, 9 June 2014, 10.10 a.m.
New York

President:	Mr. Churkin	(Russian Federation)
Members:	Argentina	Mrs. Perceval
	Australia	Mr. White
	Chad	Mr. Cherif
	Chile	Mr. Llanos
	China	Mr. Shen Bo
	France	Mr. Araud
	Jordan	Mr. Hmoud
	Lithuania	Mr. Kalindra
	Luxembourg	Ms. Lucas
	Nigeria	Mr. Laro
	Republic of Korea	Ms. Paik Ji-ah
	Rwanda	Mr. Gasana
	United Kingdom of Great Britain and Northern Ireland	Sir Mark Lyall Grant
	United States of America	Mrs. DiCarlo

Agenda

The situation in Libya

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The meeting was called to order at 10.10 a.m.

Adoption of the agenda

The agenda was adopted.

The situation in Libya

The President (*spoke in Russian*): In accordance with rule 37 of the Council's provisional rules of procedure, I invite the representative of Libya to participate in this meeting.

In accordance with rule 39 of the Council's provisional rules of procedure, I invite Mr. Tarek Mitri, Special Representative of the Secretary-General and Head of the United Nations Support Mission in Libya, to participate in this meeting.

The Security Council will now begin its consideration of the item on its agenda. At this meeting, the Security Council will hear briefings by Mr. Tarek Mitri and Mr. Eugène-Richard Gasana, Permanent Representative of Rwanda, in his capacity as Chair of the Security Council Committee established pursuant to resolution 1970 (2011).

I now give the floor to Mr. Mitri.

Mr. Mitri: There is a continuing sense of concern among the Libyan people regarding the prospect of a protracted conflict. The crisis that has dominated the political scene for the past few months poses a threat to the country's political transition. Following a decision by the General National Congress to endorse the new Cabinet of Mr. Ahmed Maiteeq on 26 May, the Government of Abdallah al-Thani, acting as caretaker, refused to hand over power, citing procedural irregularities. This morning, Libya's Supreme Court ruled that the election of Mr. Maiteeq was unconstitutional, opening a way out of the institutional crisis. The need to respect that ruling should be affirmed. The initial reaction in Tripoli, half an hour ago, to the court ruling is positive. The second deputy president of the Congress, Salah Makhzoum, and Maiteeq himself both announced separately that they will comply with the decision.

Also, there were significant security developments in the past few weeks. Foremost among those have been the move by retired general Khalifa Haftar in mid-May to mobilize some units of the Libyan national army and other tribally affiliated armed groups against groups that he has labelled as terrorists and blamed for much of the violence and targeted assassinations in Benghazi and other areas of eastern Libya. The military operation, dubbed Operation Libya Dignity, elicited some expressions of support. But there are also those who accuse General Haftar of seeking to unseat the legitimately elected institutions of the State and using the threat of terrorism as a pretext to stage what they call a coup d'état.

In previous briefings to the Council, I could not understate the risks of the growing and dangerous security void in Libya. Hundreds of Libyan citizens — mainly security personnel, but also judges, journalists and other civilians — have been the victims of a systematic and unrelenting campaign of targeted assassinations and other acts of aggression. However, any viable long-term strategy aimed at addressing that phenomenon and rooting out terrorism cannot be born out of unilateral and external initiatives, nor can it be limited to military solutions. There should be an end to the violence inflicted on the civilian population of Benghazi. There is no doubt about that. That is why the United Nations Support Mission in Libya (UNSMIL) reiterates its condemnation of attacks against civilians, whoever their perpetrators.

In Tripoli, the crisis over the appointment of a new Prime Minister has accentuated since February the strong political polarization in the country. Tensions have given way to intermittent clashes on the streets of the capital between rival brigades and other armed groups under the nominal control of the Libyan authorities. On 18 May, armed groups forcibly entered the grounds of the General National Congress in order to prevent the Congress from pressing ahead with the election of a new Prime Minister.

Strong political disagreement over the functioning of institutions and their legitimacy has revealed mutual distrust among the main political protagonists. The radicalization of positions on both sides of the political divide was further exacerbated by accusations of seeking power by all means and suspicions of growing external interference in favour of the adverse party.

Notwithstanding the political and security crisis that has engulfed Libya, the constitutional process has made considerable progress since my briefing to the Council in March (see S/PV.7130). On 21 April, the General National Congress convened the first session of the Constitutional Drafting Assembly in Al-Bayda. Following an opening ceremony, the members elected their chair, deputy chair and rapporteur and adopted

rules of procedure. The Assembly is currently developing its committee structure, work plans and public outreach plans. UNSMIL stands ready to provide technical assistance at the request of the Assembly and continues its efforts to coordinate international support for the constitutional process.

In my most recent briefing, I described how boycotts and security problems disrupted the election of the Constitutional Drafting Assembly in February and left 13 seats unfilled. In the intervening period, eight of those seats have been filled through additional rounds of polling. Efforts by the Assembly itself are under way to ensure that all areas of Libya and all components — as they call them in Libya — of Libyan society are represented in the work of the Assembly.

In joint partnership with a range of women's organizations, UNMSIL has launched a women's dialogue initiative to engage with the media and religious, political and societal actors in a public debate on constitutional issues of particular significance to women.

The High National Election Commission of Libya is now preparing, with United Nations technical support, the election of the 200-member council of representatives that will succeed the General National Congress. The total number of registered voters reached 1.5 million. A total of 1,714 candidates have registered, including 152 women, contesting 32 reserved seats. Polling is expected on 25 June. We have called on all parties to ensure that elections are held in a peaceful atmosphere and not delayed. It is hoped that the elections will augur, with confidence and popular interest, a third phase of the transition process before a new constitution is approved.

The security situation continues to impede the proper functioning of the justice system. Courts have stopped working for prolonged periods in Derna, Benghazi and Sirte in protest at the continuing attacks on prosecutors and judges, among other State officials. Although the General National Congress extended to 2 April the deadline for completing the judicial screening of detainees in compliance with the law on transitional justice, that task remains outstanding. Figures collected by the Ministry of Justice, with United Nations assistance, indicate that in early March around 6,200 inmates remained held in facilities under the authority of the judicial police, of whom only about 10 per cent had been tried.

The trial of 37 former regime officials, including Saif Al-Islam Al-Qadhafi and Abdullah Al-Senussi, has begun at the Tripoli Court of Appeals. That trial is a crucial test for Libya's willingness and ability to conduct fair trials. UNSMIL has voiced concerns about difficulties in ensuring full legal representation for all defendants and proper access by lawyers to the case files and to their clients. Recently, the Court appears to be in the process of addressing such matters.

UNSMIL has visited all defendants, with various levels of supervision, in Tripoli, as well as in Misrata and Zintan. UNSMIL, however, has been denied access to other detainees held in the Al-Hadba prison on grounds that they have not been charged. I have strongly protested the brief detention in Al-Hadba of an UNSMIL senior staff member attending, as an observer, the trial session of 11 May and the false accusations levelled against him. UNSMIL received oral apologies and assurances from the Libyan authorities of their commitments to respecting the status-of-mission agreement between Libya and the United Nations. However, the personal effects of our staff have not been returned. Therefore, I decided to suspend the attendance of our staff at other trials in Al-Hadba until the case of our colleague is fully resolved.

More recently, on 4 June four UNSMIL staff members, upon their return from Al-Bayda, were detained by the airport security authorities and ill-treated. During their detention, which lasted more than an hour, false accusations against them once again were cited. Their release occurred after the intervention of the Ministry of the Interior, at my request. I protested and reminded the Libyan authorities, once again, of their obligation to respect the mission agreement signed with UNSMIL.

The current situation in Libya has inevitably slowed the process of security sector rebuilding and reform. Nonetheless, there has been some progress in developing the operationalization of the Rome conference security compact. Assistance is given to the Ministry of Defence committee in preparing a defence policy and strategy and in ensuring proper management and security of arms and ammunition. However, the Rome security compact also included measures to establish proper governance of the security sector, a recommendation we have made time and again, including the difficult issues of disarmament and reintegration of the armed groups. So far there has not been any sustainable progress in that regard.

Today the United Nations is called on to continue facilitating a political dialogue among all parties. That is more crucial than ever before. To that end, I have redoubled my efforts to urge all parties in Libya to resolve the present political impasse through peaceful means, and to impress upon them that resorting to the use of force will have disastrous consequences for the country.

Following consultations with all concerned parties, I will be convening, within the next 10 days, a meeting that will bring together some 50 representatives of the major actors — political leaders, revolutionaries, tribal figures, civil society, personalities and women. The aim of that political dialogue conference is to forge an agreement on the principles of political interaction, on national priorities during the remainder of the transition and on ways of addressing immediate security and otherwise divisive issues. The stakes are high, and we will spare no effort in helping prevent Libya's descent into greater instability and violence.

The President (*spoke in Russian*): I thank Mr. Mitri for his briefing.

I now give the floor to Ambassador Gasana.

Mr. Gasana (Rwanda): In accordance with paragraph 24 (e) of resolution 1970 (2011) of 26 February 2011, I have the honour to report to the Security Council on the work of the Committee established by that resolution. The report covers the period from 10 March to 9 June 2014, during which time the members of the Committee met twice in informal consultations.

In my last briefing to the Council (see S/PV.7130), I reported on the final reports of the Panel of Experts and that the Committee had agreed to take follow-up actions on 9 of the 15 recommendations of the Panel. I would now like to recall that, during the informal consultations of 2 June, the Committee further agreed to establish a procedure to address incomplete arms embargo exemption notifications, which was also the subject of an additional recommendation of the Panel, bringing the number of recommendations to which the Committee agreed to follow up on to 10.

That follow-up action has thus far consisted of the following. Three recommendations relating to arms procurement by Libya were addressed by a bilateral meeting I held with the Permanent Representative of Libya to the United Nations on 12 March and by informal consultations of the Committee on 2 June, with the participation of the Permanent Representative of Libya, on which I will elaborate later on.

One recommendation aimed at requesting the Permanent Representative of Libya to update the names of authorized officials in the Libyan focal point for arms procurement required no follow-up, as the Permanent Representative of Libya provided that information on 20 March before the Committee wrote to him.

Therefore, follow-up action on six recommendations is currently pending before the Committee. On 18 and 27 March, as well as on 12, 16 and 20 May, respectively, a Member State informed the Committee about the dates and locations of the delivery of parts of previously notified transfers to Libya.

On 18 March, the Committee received a letter from the Chair of the Committee pursuant to resolutions 1267 (1999) and 1989 (2011) concerning Al-Qaida and associated individuals and entities, and the Committee established pursuant to resolution 1988 (2011), relating to an initiative to implement the travel ban measure more effectively through cooperation with the World Customs Organization.

On 3 April, the Committee received a letter from the Under-Secretary-General for Political Affairs, proposing six members to serve on the Panel of Experts on Libya.

On 11 April, the Committee received a second letter from the Chair of the aforementioned Committee and the Committee established pursuant to resolution 1988 (2011), concerning procedures for requesting relevant Member States to submit biometric data on individuals on the Committee's list.

On 16 April, the Committee received a report from a Member State about the loss in Libya of part of a shipment of arms and related materiel, an exemption for which had previously been approved by the Committee.

By letter dated 6 May, the Committee invited the Permanent Representative of Libya to attend a meeting of the Committee to discuss the Panel's recommendations relating to arms procurement by Libya, as well as two pending incomplete notifications under paragraph 13 (a) of resolution 2009 (2011).

On 9 May, the Committee received a report from the Secretariat on the inter-panel coordination workshop that took place from 17 to 19 December 2013.

On 20 May, the Committee received a letter from the Permanent Representative of Libya to the United Nations, informing the Committee of the creation of two focal points for arms procurement for the Ministry of the Interior and the Ministry of Justice, in addition to the Military Procurement Department, which, according to the letter, continued to serve as focal point for the Ministry of Defence.

In informal consultations on 29 May, the Committee received an update from the reappointed Panel of Experts. The Panel updated the Committee on its activities since the presentation of its final report (see S/2014/106, annex). The Panel presented its travel plans for the present mandate, expressed concern about the tense security situation in Libya and informed the Committee about a fraudulent company currently reaching out to Member States, claiming to be authorized to recover frozen funds on behalf of Libya and transmitting a forged Libyan Government decree no. 378 to that end. Also in informal consultations on 29 May, the Committee discussed the new composition of the Panel of Experts.

On 30 May, the Committee received an inspection report from a Member State, in line with paragraph 13 of resolution 1970 (2011) and paragraph 15 of resolution 1973 (2011).

The Committee's informal consultations on 2 June involved the participation of the Permanent Representative of Libya to discuss issues relating to the arms embargo. While some Committee members appreciated Libya's strong efforts to implement the arms embargo in challenging circumstances and pointed to the need for practical and implementable solutions, others raised concern about the implications of a lack of a single, unified procurement mechanism in the current security situation and called for a single focal point superseding individual ministries. The Permanent Representative of Libya recognized the difficulties in having multiple focal points, but also noted that this was the best option for the current situation, as Libya lacked the capacity at this point to implement a single superseding structure.

The Panel of Experts saw a high risk of the diversion and misuse of weapons in the current situation and reported that ongoing transfers of weapons to Libya were likely to have a detrimental effect on the security situation in the country, with some uncertainty about exact end-users of notified materiel and about the control of territory, including air and sea ports. The Committee will continue its engagement with Libya on the setting-up of arms procurement procedures and responsibilities, with a view to providing any assistance that it can.

Lastly, I should like to provide some updated statistics on the issues dealt with by the Committee since the last periodic report to the Council. In relation to the arms embargo, the Committee approved three exemption requests and received two notifications, on which no negative decision was taken. Also in relation to the arms embargo, the Committee responded in one case that did not require notification, citing paragraph 10 of resolution 2095 (2013), and replied in three cases that the notifications were incomplete. The Committee further received two addenda to an implementation report previously submitted by a Member State.

The President (*spoke in Russian*): I thank Ambassador Gasana for his briefing.

I now give the floor to the representative of Libya.

Mr. Dabbashi (Libya) (*spoke in Arabic*): At the outset, I would like to commend you, Mr. President, for presiding over the Council for the month and to wish you and your delegation every success in carrying out the Council's affairs.

I also thank Mr. Tarek Mitri, Special Representative of the Secretary-General for Libya, for his comprehensive briefing, as well as Ambassador Gasana, Chair of the Committee established pursuant to resolution 1970 (2011) concerning Libya, for his report.

For over 42 years, Libya suffered under a dictatorship based on chaos, non-functioning institutions and an entrenched one-man authority that demanded unchallenged obedience. The situation led to complete political apathy on the part of the Libyan people and fostered a lack of interest among the majority in the affairs of decision-making institutions, even after the revolution. Unfortunately, some politicians and leaders of armed groups have taken advantage of the situation to appoint to high positions certain individuals who lack the necessary credentials and experience. They have also engaged in governmental procedures that contravene good governance, thereby exacerbating the problems inherited from the former regime and deviating the 17 February revolution from its primary purpose.

The Libyan people have lost all patience in the past month, nearly three years after the revolution and

the end of the dictatorship. Despite available assets and human resources, the Libyan people's aspirations remain unfulfilled, except for the freedom of expression, which has been heavily compromised in the past month due to a campaign of threats, intimidation, blackmail, abduction and assassination. Journalists and political and legal activists have been subjected to that campaign in the absence of security and military forces, and due to the reluctance of judges to undertake their duties because they fear for their lives.

The United Nations Support Mission in Libya (UNSMIL) has made great efforts over the past two years to help the Libyan people overcome difficulties and achieve the transition in an easy, seamless manner. However, despite its tremendous role in organizing and conducting elections, the support it has provided to civil society organizations, and its demining and elimination of war remnants, Libya has not achieved its political aspirations. That is not due to any malfunction of the Mission or its leaders, for whom we have much respect and appreciation. Instead, it is due to the Libyan political leaders' lack of will to seek assistance from the Mission, as well as to the absence of Libyan institutions that could receive and implement support in different sectors.

The Libyan people are grateful for the support they have received from the Security Council over the past three years. They now seek more practical support from Council members and from all friendly countries to overcome the remaining months of the transitional period in order to establish an elected Government in accord with the permanent constitution that we hope to adopt before the end of this year. Notwithstanding the work done by UNSMIL pursuant to its mandate and the excellent assistance it has provided and continues to provide, especially in the fields I have mentioned, we hope to achieve certain pressing priorities with the practical assistance of the Security Council UNSMIL to the Libyan authorities. Our priorities are as follows.

First, we encourage all Libyan institutions to create an environment conducive to conducting parliamentary elections on 25 June in an atmosphere of peace and security.

Secondly, we wish to assist the new Parliament in assuming and exercising its duties in an appropriate manner that is in keeping with democratic practices by adopting clear rules of procedures, ensuring the separation of the legislative and executive powers, and organizing workshops for the new parliamentarians on parliaments and how they run.

Thirdly, we must help the new Parliament and resulting Government to immediately reorganize the Libyan army in accordance with international standards, provide it with the proper arms, assume control over all military camps and bases, disarm and dismantle all armed groups, find work for the unemployed in the various State institutions, according to their merits, and criminalize the unauthorized carrying of weapons.

Fourthly, we must help local governance bodies to establish local administrations that are efficient, effective, transparent and accountable, and we must urge the central Government to delegate broad local powers to those bodies.

That is all that the Libyan people need from the Security Council and their friends at this critical juncture. All other difficulties can be readily overcome, because there are no divisions or differences among the masses of the Libyan people. They remain as united today as they were during the 17 February revolution. However, the grave division and ideological polarization at the top of the hierarchical authority, the lack of respect for the role of democracy and the rule of law, the lack of experience and expertise in running the State, and the absence of controls over the media paint a portrait of Libya as a divided country governed by tribes with different and diverging interests. That is a false portrayal that does not reflect the reality. It gives the wrong impression to those who follow the situation in Libya, and that impression has been entrenched because of the absence of leadership capable of gaining widespread respect by rejecting biases in favour of particular parties, the appropriate use of political discourse, and transparency substantiated by facts and figures.

Libyan army officers and soldiers, who number more than 50,000, have not been receiving their salaries. However, they are eager to reorganize themselves to protect the gains of the 17 February revolution and to achieve peace and security throughout Libya, despite the attempts of some politicians and leaders of armed groups to demonize all officers and personnel of the Libyan army with the sole aim of preventing them from returning to their work, and to ensure that the State has no central armed power that can stop the Government from being blackmailed and forced to squander public funds in the form of remunerations for the armed

groups, the value of which exceeds what is spent on the army and the police combined. Those who wish to support Libya today should help it rebuild its army and arm it as soon as possible. Those who wish to support Libya must help it to re-establish the police presence in its population centres. Those who wish to help Libya should prevent any attempt to undermine the democratic transition and take punitive measures against anyone who would seek to obstruct that process.

The President (*spoke in Russian*): There are no more names inscribed on the list of speakers. I now invite Council members to formal consultations to continue our discussion on the subject.

The meeting rose at 10.50 a.m.